

Peter A. Leeming, 119124
108 Locust Street, Suite 7
Santa Cruz CA 95060

Telephone (831) 425-8000

Attorneys for Claimant, JIMMY LABRANCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,)	Case No.: C 07 3359
)	
Plaintiff,)	ANSWER TO COMPLAINT FOR
)	FORFEITURE
v.)	
)	
\$70,000 IN UNITED STATES)	
CURRENCY, et al)	
)	
Defendants)	
)	
)	

Claimant JIMMY LABRANCH answers the Complaint for Forfeiture by
the Unites States in the above titled case as follows:

1. The allegations contained in Paragraph One of the Government
Complaint for Forfeiture are admitted.

2. The allegations contained in Paragraph Two of the Government
Complaint for Forfeiture are admitted.

3. The allegations contained in Paragraph Three of the
Government Complaint for Forfeiture are admitted.

4. Claimant has insufficient knowledge or information to form a
belief as to the proper intradistrict venue, and on that basis the Government's

1 allegation of proper venue is denied. Claimant also asserts his Constitutional
2 privilege pursuant to the Fifth Amendment of the United States Constitution
3 not to answer the allegations in Paragraph Four, and on that basis the
4 allegations are denied.

5 5-6. The allegations in Paragraphs Five and Six are admitted.

6 7. Claimant has insufficient knowledge or information to form a
7 belief as to the truth of the allegations in Paragraph Seven of the Complaint
8 and on that basis the allegations are denied. Claimant also asserts his
9 Constitutional privilege pursuant to the Fifth Amendment of the United States
10 Constitution not to answer the allegations in Paragraph Seven, and on that
11 basis the allegations are denied.

12 8. Claimant has insufficient knowledge or information to form a
13 belief as to the truth of the allegations in Paragraph Seven of the Complaint
14 and on that basis the allegations are denied. Claimant also asserts his
15 Constitutional privilege pursuant to the Fifth Amendment of the United States
16 Constitution not to answer the allegations in Paragraph Eight, and on that
17 basis the allegations are denied.

18 9-11. Claimant has insufficient knowledge or information to form
19 a belief as to the truth of the allegations in Paragraphs Nine through Eleven
20 of the Complaint and on that basis the allegations are denied. Claimant also
21 asserts his Constitutional privilege pursuant to the Fifth Amendment of the
22 United States Constitution not to answer the allegations in Paragraphs Nine
23 through Eleven, and on that basis the allegations are denied. Claimant
24 denies defendant \$70,000 in United States Currency is subject to forfeiture.
25

1 States Constitution and the Due Process clause of the Fifth Amendment to
2 the United States Constitution.

3 **SIXTH DEFENSE**

4 Forfeiture of the property would violate the prohibition against Double
5 Jeopardy of the Fifth Amendment to the United States Constitution.

6 **SEVENTH DEFENSE**

7 This action is time barred, in that the time for the government to initiate
8 forfeiture proceedings has passed.

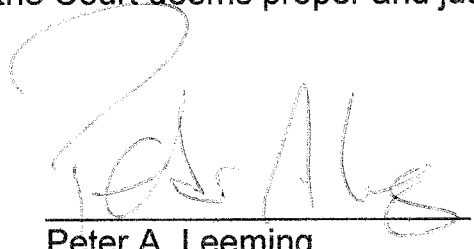
9 Please take notice that Claimant demands trial by jury of the issues
10 and defenses raised by his claim and answer.

11 WHEREFORE, Claimant prays that this court will:

- 12 1. Dismiss Plaintiff's Complaint and enter judgment on behalf of
13 Claimant JIMMY LABRANCH;
14 2. Award costs and attorneys fees to the Claimant;
15 3. Provide such other relief as the Court deems proper and just.

16 Dated: 8.10.07

17
18 Respectfully submitted,


Peter A. Leeming
Attorney for Claimant,
Jimmy Labranch

VERIFICATION

I, JIIMMY LABRANCH, state that I am the claimant in the above case. I have read the attached Answer to Complaint for Forfeiture and familiar with its contents. I believe the allegations stated in this answer to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 2007 at Santa Cruz, California.



JIMMY LABRANCH

Peter A. Leeming, 119124
108 Locust Street, Suite 7
Santa Cruz CA 95060

Telephone (831) 425-8000

Attorneys for Claimant, JIMMY LABRANCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,

Plaintiff,

v.

\$70,000 IN UNITED STATES
CURRENCY, et al

Defendants

) Case No.: C 07 3359

) **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served a copy of the ANSWER TO
COMPLAINT FOR FORFEITURE to be served this date through the Northern
District of California ECF system to the following parties:

Patricia J. Kenny
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 10, 2007 at Santa Cruz, CA.


Peter A. Leeming